

COUNCIL CHAMBERS CITY COUNCIL
CITY HALL - CITY OF LODI
WEDNESDAY, APRIL 5, 1950

Regular meeting of the City Council, City of Lodi beginning at 8:15 P.M. of Wednesday, April 5, 1950; Councilmen Bull, Haskell, Lytle, Tolliver and Rinn, (Mayor) present, none absent.

Minutes of the previous meetings of March 1st and March 15th severally approved as written and mailed.

SETTLEMENT
OF ORANGE
AVENUE
DISPUTE

In the matter of the opening of South Orange Avenue from Oak to Pine Street, in dispute between Louis Fugazi, Dino Barengo and Jerry Salomon since December 30th, 1949 as to the payment of the paving costs: Mayor Rinn read from a letter from City Manager Weller to the several Councilmen dated April 4, 1950, offering suggestions as to the settlement of this dispute and also making a tentative policy statement to apply in similar instances where new subdivisions abut on presently subdivided property or on partially improved streets. Mr Weller's suggestions offered two alternate plans for payment of the amount in controversy, now estimated to be \$132.89; (1) that a special assessment district be formed, (2), that, in view of the fact that there is now no established policy applicable in this instance, that the City contribute the disputed amount in that the City had been to no expense in acquiring right of way and would incur no other expense in improvement of this portion of street. Councilman Haskell then moved, in that the amount is too small to justify the involved procedure and expense of special assessment proceedings and, that the new policy to be adopted, had to have a point of beginning, that the General Fund stand the amount of \$132.89 and that the policies stated in Mr Weller's letter above mentioned be approved and adopted as effective from now on, such statement of policy to be set forth in full in the minutes of this meeting. Councilman Tolliver seconded this motion and a vote being had, it carried by unanimous vote.

The policy statement mentioned above, is as follows:

POLICY
STATEMENT
STREETS
BORDERING ON
SUBDIVISIONS.

" As an extension of present City policy, the City Council determines: Where a subdivision or a similar development is contemplated in an area abutting on a proposed street outside and immediately adjacent to the proposed subdivision or development, the subdivider or developer shall be required to finance the curb and gutter, paving and storm drain structures in the one-half of said proposed street closer to his subdivision or development.

The other one-half of such proposed street shall be assessed against properties abutting on the other side, whether the same constitutes an existing subdivision, admitted and developed prior to the adoption of this policy, or land and improvements developed otherwise than by subdivision. If, in the opinion of the City Council, the said abutting properties are not capable of development or not anticipated to be developed within a reasonable time, the City shall advance the agreed cost of one half the expense of developing said street, and such advance shall thereupon become a lien against said abutting properties, on the basis of front footage, as the same are developed.

Where a subdivision or similar development is contemplated in an area abutting on an existing street surfaced to a standard inferior to the then-existing City requirements, said subdivider or developer shall be required to pay one-half the cost of raising said street to proper standards and shall otherwise meet the requirements as set forth above. If any such existing street is contained wholly or partly within a proposed subdivision or development, said subdivider or developer shall pay all costs, or an appropriate proportion of costs if said street is partly within the area of proposed development, required for the raising of said street to required standards, and shall otherwise meet the requirements as set forth above.

Every subdivider or developer shall furnish such evidence of ability to finance any such improvements as the City Council

may require.

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City Manager Weller then presented bids and a tabulation thereof, received and opened March 31, 1950 for asphalt, crushed rock and equipment rental to be used in the balance of this fiscal year on city streets, suggesting that the proposal of Claude C. Wood Company, on all items, be accepted.

BIDS ON
ROAD MATERIALS
AND
EQUIPMENT
RENTAL

A representative of Asphalt Service Company of West Sacramento objected to the awarding of the contract for asphalt to Wood, stating that his company was low bidder on this item and was amply prepared to make delivery although their plant is some forty miles from Lodi.

Councilman Bull advocated award to Wood on the grounds that the work could better be performed through one contractor in that delays could be definitely placed on the party at fault, whereas, with two or more furnishers of material, one would blame delays or defective materials on the other.

Councilman Lytle moved award for asphalt to Asphalt Service Company but his motion failed for want of a second.

RES.1518
ADOPTED

Councilman Bull, Tolliver second, then moved that award for asphalt and crushed rock be made to Claude C. Wood Company at the prices stated in that company's bid, as the best acceptable bidder, by the adoption of Resolution of Award No. 1518, which resolution was then adopted without dissenting vote.

RES.1519
ADOPTED

In the matter of equipment rental, there were only two bids received, that of Louis Biasotti and Son and that of Claude C. Wood Company. It being manifest that the Wood Company bid was the lowest and best bid, Councilman Bull, Tolliver second, moved the adoption of Resolution of Award No. 1519 awarding this contract to Claude C. Wood Company. Resolution adopted by unanimous vote.

P. & S. FOR
WIDENING
PORTION OF
PLEASANT AVE.
APPROVED BY
RES. 1520.

City Manager Weller then presented plans, specifications, finding of prevailing wage scale and contract documents prepared by the City Engineer for the widening of that part of Pleasant Avenue lying between the alley in Block 4, Mokelumne and the south line of West Elm Street. Councilman Haskell, Lytle second, then moved approval and adoption of these plans, specifications and findings by the passage of Resolution No. 1520. This resolution then passed by the assenting votes of all members of the City Council.

BUS LINE
FRANCHISE
BIDS
OPENED

At this time, proposals received by the City Clerk up to 10:00 A.M. of April 3, 1950 were presented and opened, viz: Herb Hellwig, 237 Flora Street, Lodi bidding \$5.00 for a franchise to operate bus lines within the City; Mehrer and Son, now of Ellensburg, Washington, bidding a similar amount for this franchise. Attorney Robert H. Mullen, representing Mehrer, made an oral statement of Mehrer's experience in operating bus lines in Ellensburg and of his proposed operations in Lodi, stating that Mehrer would begin operations within thirty days if awarded the contract with two busses with a 10¢ fare, school children at 12 rides for \$1.00. Herb Hellwig said that he proposed to operate station wagons in lieu of busses but, if the Council so directed, would put on one or more busses. Mr Hellwig was asked if he intended to follow fixed routes but evaded the question, saying that he would start from his terminal at fixed times. Mayor Rinn then called for oral proposals for this franchise and none being offered, asked City Attorney West for his interpretation of the act under which similar franchises are to be let. While Mr West was reading the act and the notice calling for proposals, the Council proceeded to consider the next order of business; that of the application of H. E. Mahaffey for transfer of his taxi cab business permit to Edward E. Dancer and Cecil Linder, filed with the City Clerk on April 4, 1950.

PROPOSED
TRANSFER
CITY CAB
PERMIT

City Manager Weller read the application at length, stating that he had no opportunity to investigate the standing of either of the proposed transferee's as to financial responsibility, moral character or reputation, and would prefer that approval be withheld to the next Council meeting to allow such investigation. Mahaffey objected, stating that he was well acquainted with both men; that his public liability and compensation insurance policies would expire at midnight of this day and that he knew that these men were financially able to carry on the business.

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TRANSFER
CITY CAB
PERMIT
CONTINUED

Councilman Tolliver favored delay so that the City Manager could make proper investigation. Mayor Rinn, in answer to a statement of Councilman Haskell, that applicants must be well aware of the obligations to be incurred under the terms of the ordinance regulating taxi cab service and therefore be as responsible as Mahaffey, the proposed transferror, stated that there is a well defined public interest in this business different from ordinary licenses and permits, suggesting that the transfer be tentatively approved, subject to investigation and report by the City Manager. Councilman Haskell, Tolliver second, moved that this be the action of the City Council. Motion carried and the Council returned to consideration of the award of the bus line franchise.

AWARD MADE
OF BUS LINE
FRANCHISE
TO MEHRER
& SON.

City Attorney West then ruled that it was obligatory on the Mayor to call for oral bids in at least 10% of the highest amount bid in the sealed proposals. Attorney Mullen objected, stating that, as no oral bids had been received on the Mayor's call for the same, award should be made on merit.

Mayor Rinn then called for oral bids from others than the two sealed bidders; no response; he then called for oral bids from any bidder in 10% of the amount of the \$5.00 bids received. No response. Councilman Haskell then moved the acceptance of the proposal of Mehrer & Son as the best qualified and also, that he considered that busses were better for this means of transportation than station wagons. Councilman Bull seconded Mr. Haskell's motion. Councilman Tolliver objected, stating that, in view of the Council's experience with Mahaffey, busses could not be satisfactorily operated at a profit. The question was debated for some time when Councilman Haskell called for the question to be put and on a vote being had, the franchise was struck off, sold and awarded to Mehrer & Son for the sum of \$5.00, the ordinance granting the franchise to be submitted to the City Council at its next meeting. Councilmen Haskell, Bull and Rinn voting for the motion and Councilmen Tolliver and Lytle voting "No".

Public hearings were then had and conducted in the following four proceedings initiated March 15th, after production of legal evidence of publication and/ or posting of notice of such hearings:

- (1) Annexation of "Raimar Tract", notice of hearing published March 24 and 31, 1950. No objections offered and Councilman Bull, Lytle second moved the introduction of ORDINANCE NO. 411 "AN ORDINANCE APPROVING THE ANNEXATION OF "RAIMAR ADDITION" TO THE CITY OF LODI, CALIFORNIA". Motion carried and Ordinance No. 411 ordered laid over to the date of the next Council meeting to be held after five days from this meeting.
- (2) Rezoning to Industrial District Zone of a portion of Lot 14, Live Oak Colony. Map 1 (portion E.M. Woodcock property). No protests received. Councilman Haskell, Tolliver second, moved approval of rezoning by adoption of Ordinance No. 414, "AMENDING THE ZONE DISTRICT MAP OF THE CITY OF LODI BY ALTERING THE ZONE BOUNDARY LINES DISPLAYED THEREON AND REZONING AND RECLASSIFYING A PORTION OF LOT 14, MAP NO. 1, LIVE OAK COLONY TO BE IN THE INDUSTRIAL DISTRICT ZONE". Ordinance, by this motion, ordered introduced and laid over for the statutory period of not less than five days.
- (3) Vacation of a public utility easement in Lot 13, Flora Street Tract as applied for by H. G. Hentschel. Due publication and posting proven by affidavits. No objections received. Moved by Councilman Bull, Tolliver second that easement be vacated by adoption of Ordinance No. 413, "ORDER VACATING THE PUBLIC UTILITY EASEMENT IN LOT 13, FLORA STREET TRACT". Motion carried, ordinance ordered to stand introduced and laid over for not less than five days.

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VACATION OF ALLEY IN BURR'S ADDITION BLOCK 2. ORDINANCE 412 INTRODUCED

(4) Vacation of the public alley in Block 4, Burr's Subdivision of Lot 2 - Publication by printing and posting proven by affidavit. No evidence either for or against abandoning this alley submitted at this hearing. Moved by Councilman Tolliver, Bull second, and carried that this alley be vacated by the adoption of Ordinance No. 412 "AN ORDER DIRECTING THE VACATION OF THE PUBLIC ALLEY IN BLOCK 4 OF "BURR'S SUBDIVISION OF LOT 2 OF BURR'S ADDITION TO LODI". Ordinance ordered to stand as introduced until the next meeting of the City Council.

ORDINANCE NO. 409 ADOPTED (HORTON ADDN)

At this time, Councilman Lytle, Bull second, moved the adoption and passage of Ordinance No. 409, introduced March 15, 1950. ORDINANCE NO. 409 - "APPROVING THE ANNEXATION OF "HORTON ADDITION" TO THE CITY OF LODI, CALIFORNIA." was then passed, adopted and ordered to print, second reading, after reading by title, omitted by unanimous consent, by the following vote:

AYES: Councilmen, Lytle, Bull, Haskell, Tolliver and Rinn.
NCES: Councilmen, None. ABSENT: Councilmen, None.

Mayor Rinn then approved and signed Ordinance No. 409.

ORDINANCE NO. 410 ADOPTED.

ORDINANCE NO. 410, "AMENDING THE ZONE DISTRICT MAP OF THE CITY OF LODI BY ADDING THERETO "GRANT AVENUE ADDITION", "L. F. AYERS ADDITION NO. 1", "CORINTH ADDITION", AND "FAIRMONT PARK ADDITION"; INITIALLY ZONING SAID ADDITIONS; AND; REZONING A PARCEL OF LAND ON THE SOUTHWEST CORNER OF LOCKEFORD STREET AND CALIFORNIA STREET TO BE IN THE COMMERCIAL DISTRICT ZONE "having been regularly introduced on March 15, 1950 was brought up for passage on motion of Councilman Bull, Tolliver second, second reading, after reading by title, omitted by unanimous consent and then passed, adopted and ordered to print by the following vote:

AYES: Councilmen, Bull, Tolliver, Haskell, Lytle and Rinn.
NCES: Councilmen, None. ABSENT: Councilmen, None.

Mayor Rinn then signed Ordinance No. 410 in approval thereof.

CLAIMS

Claims aggregating \$46,091.48 as approved by the City Manager were allowed and ordered paid on motion of Councilman Bull, Tolliver second.

MODIFICATION OF P. G. & E. JUDGEMENT APPROVED.

City Manager Weller reported on the application of Pacific Gas and Electric Company for a modification of the judgement obtained in 1938 by the City of Lodi so as to permit that Company to increase its water storage on the upper reaches of the Mokelumne River. This application has been approved by Northern San Joaquin Water Conservation District, that District's Engineer, Mr Walter B. Hogan, having carefully considered its effect on percolating waters in the lower portions of the Mokelumne area, finding that the effects of increased mountain storage would be beneficial. On the recommendation of the City Manager, Mayor Rinn was authorized to stipulate to a modification of the decree allowing this increased water storage, subject to approval of the City Attorney.

BASE BALL CHARGES LAWRENCE PARK

Mr Weller recommended an adjustment of the City's charges for use of the base ball diamond in Lawrence Park; suggesting that \$2.50 be charged for day-time games and \$15.00 for night games, both charges to include electricity used, and that the admission tax be reduced to 5¢ per person. On motion of Councilman Bull, Haskell second, rates approved, the same to apply only to local amateur and semi-professional games.

"27 CLUB"

No objections were raised to the transfer of the on sale liquor license of the "27 Club", 27 North Sacramento Street to Thomas J. Collins and David J. Piazza.

UNITED VETS PAPER COLLECTIONS

United Veterans' Association were allowed to conduct waste paper drives in the City subject to filing a notice of the date of each drive with the City Manager and conducting these drives in accordance with such regulations as he might require.

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PERSONNEL
CLERK
POSITION
REESTABLISHED

The position of " Personnel Clerk " in the classified service of the City was reestablished at a monthly salary of \$25.00 on motion of Councilman Haskell, Lytle second. City Manager recommended this action on account of the increasing volume of work stating that he contemplated appointing Beatrice Garibaldi, who has been performing these duties since the resignation of W. F. Meeske.

TOKAY HOTEL
LICENSE
TRANSFER

Transfer of the rooming house license of the Tokay Hotel, 115 1/2 East Pine Street, issued under Ordinance No. 277, to Mrs Ed Golder was approved on the certificate of the Chief of Police that the transferee was of good record.

ACCUMULATION
1950-51 GAS
TAX.

Approval of an agreement with the Division of Highways for accumulation of gasoline taxes to accrue in the fiscal year 1950-51 was had by the adoption of Resolution No. 1517, introduced by Councilman Haskell, Bull second. Mayor Rinn then signed the agreement in triplicate.

MEMBERSHIP
CITIZENS
ADVISORY
COMMITTEE

A letter from Lodi District Chamber of Commerce asking for a modification of the Council's rule that only bona-fide residents of the City be appointed to the Citizens Advisory Committee to apply in the case of Wallace ("Dick") Emery was read. It was the consensus of Council opinion that the rule stand but that in this and in similar instances, the Committee and all sub-committees welcome the presence, advice and cooperation of all persons in the Greater Lodi District who had interests in the welfare of the City.

WEST ELM
STREET
OPENING

Mr Robert H. Mullen, representing Louis and Catherine Fugazi, subdividers of " Fairmont Park ", by letter, stated that the Fugazi's had determined that \$4,000 per acre would be a fair price to the City for the two ten foot wide strips to be acquired for the opening of West Elm Street at full 80 foot width. This letter also stated that the Fugazi's contemplated opening Elm Street only part way to Ham Lane, but, after some discussion and objection by Council members, Louis Fugazi and his attorney, stated that they would open the street to the western limits of their property.

FINAL MAPS
" HANDEL TR " "
" FAIRMONT
PARK "
APPROVED
WITH
RESERVATIONS

Final maps of " Handel Tract " and " Fairmont Park " filed with the City Clerk April 5th, 1950 were approved as city subdivisions, with instructions to the City Clerk that he withhold his certification as to these approvals until both maps were signed by the City Engineer as substantially conforming to the tentative maps approved April 3, 1950 by the City Planning Commission and the receipt of a proper map filing report from a title company.

ARMORY

City Manager Weller reported progress in the sale of Lodi Armory to the State of California. The Adjutant General's Office is requesting a small additional area on the west. Mr Weller was directed to continue negotiations, submitting such alternate proposals as he might suggest in order to facilitate sale.

PURCHASE
LOTS 50 & 51
BARNHART TR.
APPROVED.

At this time Mr Weller read an offer signed by H. E. Looser, holder of an option to purchase the land, offering to sell Lots 50 and 51 of the Lodi Barnhart Tract to the City for \$40,000, seller to reserve to himself the 1950 crops of grapes now growing on these lots. Mr Weller reported that a survey had been made in the area tributary to these lots and it had been found that there were many children who would be benefitted by having play ground facilities in this vicinity. It appearing that this land was the last parcel in suitable location for a park in the Southeast part of Lodi, it was moved by Councilman Bull, Tolliver second, that the City purchase these lots at the price offered. (No implied dedication of the land for park uses was made in this motion as the Council might later determine that the area is larger than required and order part sold).

On receipt of a letter from the City Planning Commission offering

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BLD. PERMIT
BEN MOTZ
540 FORREST

no objections, Ben Motz was permitted to erect a temporary addition to his dwelling at 540 Forrest Avenue on his agreement to the following stipulations: (1) that the building would be removed on or before May 1, 1952; (2) that, in event of the sale of the premises, the building would be removed ; (3) that the building would be used only for conducting a home occupation, that of bronzing baby shoes by electrolytic process, creating no odor, dust, smoke or other nuisance offensive to neighbors.

C.P.C.
ENDORSES
PURCHASE
PARK AREA.

The City Planning Commission by letter, endorsed the proposal for the purchase of Lots 50 and 50, Lodi Barnhart Tract to be used in whole or in part for a park and play ground; also suggesting the investigation of the possibility and desirability of acquisition of two or more acres in the center of the block bounded by Tokay, Central, Mission and Washington Streets for a childrens play ground.

USE PERMIT
LYDIA YANKE

The granting, on April 3, 1950, by the City Planning Commission, of a " Use permit " to Lydia Yanke, 913 Wellwood Avenue, to conduct a rest home for the aged at that address was confirmed, motion Councilman Bull, Tolliver second.

POLICE
REPORT

The monthly report of the Police Department submitted by the City Manager was read. This report covers the month of March.

UTILITY
EXTENSION
CORINTH TR.

Hans Corinth's application for extension of utility services to " Corinth Tract " accompanied by a letter from the Farmers and Merchants Bank of Lodi, the latter stating that no sales are possible in this tract until public utility services are installed, was read. Mr Weller recommended that in this and similar cases, where properties are at some distance from terminals of city utility lines, that owners be required to post a bond or make a cash deposit of the cost of extensions, refunds to be made as fast as the lands are occupied by improvements. Suggestion apparently accepted but owing to lateness of the hour, no positive policy laid down.

At 12: 50 A.M. of Thursday, April 6, 1950, Councilman Tolliver moved adjournment and the City Council stood adjourned.

Attest:


J. F. BLAKELY, City Clerk.